



Support the Disability Integration Act!

Although the Americans with Disabilities Act (ADA) has been law for 25 years, unwanted institutionalization remains a serious problem for people with disabilities and seniors. Congress must strengthen the ADA's integration mandate, accelerate Olmstead implementation, and clarify that every individual who is eligible for long term services and supports has a right to choose how and where they receive them. **Congress must support the Disability Integration Act!**

What Is The Disability Integration Act (DIA)?

DIA builds on the 25 year campaign that ADAPT has done to end the institutional bias and provide seniors and people with disabilities an alternative to unwanted institutionalization. It takes a civil rights approach to the issue of community living, rather than a programmatic approach to reforming Medicaid. **DIA establishes in Federal statute the right of people with disabilities to live and receive long term services and supports in the community.**

What does DIA do?

- It establishes that a person with a disability, who is eligible to receive long term services and supports in an institution, shall have the right and the opportunity to receive those services in a home or community based setting.
- The legislation identifies and prohibits behaviors on the part of states and insurance companies which have the effect of obstructing or denying a person with a disability their right to live in the community.
- DIA includes incentives for states to transform their LTSS delivery systems in support of the rights of people with disabilities to live in the community.

How does DIA work?

DIA ensures the full integration of people with disabilities and disabled seniors who want to live in the community. It does this by:

- 1) strengthening the ADA's integration mandate;
- 2) clarifying that every individual who is eligible for LTSS has a federally protected right to choose how and where they receive services and supports;
- 3) ensuring that states provide LTSS in a manner that allows individuals with disabilities to live in the most integrated setting, including their own home, to have maximum control over their services and supports, and in a manner that allows people with disabilities to lead an independent life;
- 4) requiring a comprehensive state planning process for transforming LTSS that includes enforceable benchmarks; and
- 5) establishing a requirement for clear and uniform annual public reporting by states.

Summary of Legislation

DIA prohibits discrimination against people with disabilities as follows: **“No individual with an LTSS disability shall be denied community-based long term services and supports so the individual can live in the community and lead an independent life.”**

The legislation then identifies specific prohibitions to address the various policies and mechanisms that have been used to limit access to home and community-based LTSS. Public entities must ensure that there is enough affordable, accessible, integrated housing to allow people to choose to live in the community

DIA establishes regulations based on the self-evaluation and transition plan processes under the ADA. States and LTSS insurance providers must complete a self-evaluation of community based LTSS, followed by a transition plan to address the issues identified in the self-evaluation. The Federal Government will provide a financial incentive for States to complete improvements identified in their plan, in the form of a five percent increase in the Federal Medical Assistance Percentage attributable to those improvements, for ten years after regulations are finalized.

Enforcement of the right to live in the community lies with the Attorney General, in a manner that is consistent with other titles of the ADA, and with private action on the part of individuals who have been discriminated against. Because some states have decidedly refused to comply with the ADA's integration mandate for community living after 25 years of the ADA, the enforcement section of the legislation includes provisions for actual and punitive damages and reasonable attorney fees.

Support for this Legislation

This legislation was developed by ADAPT and the National Council on Independent Living the two national, disability-led organizations that have taken the lead on these issues. Both organizations are cross-disability and have a cross-generational focus. Input on the approach and statutory language was provided by the Autistic Self Advocacy Network (representing people with developmental disabilities) and the Bazelon Center for Mental Health (representing people with mental health disabilities).

There is significant untapped public support in addressing this issue. In 2010, ADAPT secured a Harris poll assessing public support. The Harris poll showed 89% of all Americans, and 94% of retirees, support legislation which would require people to get home and community-based supports and services instead of forcing older and disabled Americans into nursing facilities and other institutions.